

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**RICKY RONNELL EWING**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:15CV253-LG-RHW**

**RONALD WOODALL, ET AL.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION,  
AND GRANTING MOTION FOR SUMMARY JUDGMENT**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation [49] of United States Magistrate Judge Robert H. Walker entered in this cause on November 2, 2016. In this prisoner civil rights complaint filed pursuant to 42 U.S.C. § 1983, Plaintiff Ewing alleges inadequate medical care for an eye injury. The defendants filed a motion for summary judgment asserting that there was no evidence that they had been deliberately indifferent to a serious medical need, which is necessary to show that Ewing had been denied a constitutional right. Ewing did not respond to the motion. Magistrate Judge Walker reviewed the defendants' arguments and evidence, and concluded that all claims and all defendants should be dismissed.

**THE LEGAL STANDARD**

Ewing filed an objection to the Magistrate Judge's findings and conclusions. The Court must review any objected-to portions de novo. *See Kreimerman v. Casa Veerkamp, S.A. de C.V.*, 22 F.3d 634, 646 (5th Cir. 1994); *Longmire v. Guste*, 921 F.2d 620, 623 (5th Cir. 1991). Such a review means that the Court will consider the record which has been developed before the Magistrate Judge and make its own

determination on the basis of that record. *United States v. Raddatz*, 447 U.S. 667, 675 (1980). The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987). No factual objection is raised when a petitioner merely re-urges arguments contained in the original petition. *Edmond v. Collins*, 8 F.3d 290, 293 (5th Cir. 1993).

#### DISCUSSION

Ewing’s primary objection is his disagreement with the Magistrate Judge’s finding that the Mississippi Department of Corrections has been providing Ewing with medical care for his eye. Ewing insists that the “MDOC eye doctor say it nothing wrong but it is something wrong with me serious.” (Pl. Obj. 8, ECF No. 51). He accuses the MDOC of hiding his evidence and leaving information out of incident reports. (*Id.* at 6).

The medical record submitted in support of the summary judgment motion is voluminous, and shows Ewing has been frequently seen by MDOC medical and psychiatric personnel for a wide range of complaints. His eye has been examined and treated by a nurse practitioner, an optometrist and an ophthalmologist. It is therefore the Court’s view that Ewing’s factual objection to the Magistrate Judge’s findings and conclusions is without merit because it is contradicted by the record. The Magistrate Judge correctly concluded that Ewing had failed to show a question of material fact regarding whether prison officials had been deliberately indifferent to a serious medical condition. Ewing’s complaint about his medical treatment

shows a mere disagreement regarding the medical professionals' chosen course of treatment, which is not sufficient to establish a § 1983 claim. *Gobert v. Caldwell*, 463 F.3d 339, 346 (5th Cir. 2006).

The remainder of Ewing's objection appears to be a restatement of his claims, which does not merit de novo review. After having thoroughly reviewed the Proposed Findings of Fact and Recommendation, the Court finds it neither clearly erroneous nor contrary to law. The Magistrate Judge properly concluded that the summary judgment motion should be granted and this case dismissed. The Proposed Findings of Fact and Recommendation will be adopted as the findings and conclusions of this Court.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation [49] of United States Magistrate Judge Robert H. Walker entered in this cause on November 2, 2016, should be, and the same hereby is, adopted as the findings of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the defendants' Motion [43] for Summary Judgment is **GRANTED**. Plaintiff's claim against the defendants are **DISMISSED with prejudice**.

**SO ORDERED AND ADJUDGED** this the 29<sup>th</sup> day of November, 2016.

sl/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE